

25 May 1960

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MEMORANDUM FOR: [REDACTED] DDI/OCR

SUBJECT : Revision of DCID 11/2, "Controls for Dissemination in the Use of Intelligence and Intelligence Information"

1. There is attached a draft of the revision to DCID 11/2, No. 7, largely developed as a result of Air Force comments at the last meeting of the Security Committee. This draft is being informally circulated to the members of the Agency group that met to discuss the revision of DCID 11/2. Your informal reaction to this draft is desired before it is given further dissemination. I would like to call an early meeting for discussion purposes. There have been a series of drafts designed in an effort to meet the respective interests of the members of the intelligence community and which could be adopted by those members and published in their notice and regulatory media. There is attached the previous Draft No. 6 for comparison purposes. In addition, the draft revisions have been delayed to conform with the possible issuance of a Presidential Directive on disclosures of intelligence.

2. In the attached draft No. 7, it will be noted there are several departures from previous drafts and previous discussions. The first such change will be noted in paragraph 4, I, a, which introduces as a principal marking the "WARNING NOTICE - SENSITIVE SOURCES AND METHODS INVOLVED." In addition, the "INTELLCOM CONTROL" has been deleted and the new markings, "NOT RELEASABLE TO CONTRACTORS" and "DOCUMENT NOT RELEASABLE TO CONTRACTORS" has been introduced. In paragraph 4, II, the marking "NOFORN" has been deleted and a section on dissemination to foreign governments has been introduced in its place.

3. In the Security Committee discussions, the point was raised that the marking "INTELLCOM CONTROL" was a partial duplication of the marking, "WARNING NOTICE" but did not satisfy the strict requirements of the "WARNING NOTICE" nor did it adequately meet the problem of authorized and prohibited releases to contractors. In addition, the services objected to "INTELLCOM CONTROL" on the basis that it was written in much the same manner as the present "LIMITED."

4. In order to arrive at a solution to these issues which would be acceptable to the community, the present draft was developed. It should be noted that the "WARNING NOTICE" marking will provide means for control of that information which is considered truly sensitive because of sources and methods. The new markings "NOT RELEASABLE TO CONTRACTORS" and "DOCUMENT NOT RELEASABLE TO CONTRACTORS" are designed to provide protection for OO information and for those categories of information prohibited under the CODIB agreement for release to contractors. Under this marking that information not bearing this stamp nor bearing a special code word or project designator may otherwise be released to contractors if the need develops. In addition, the services desired a stamp of this nature in order to assist the contract monitors in controlling information to contractors. The services advised that when information is defined by category without the aid of a marking, a certain confusion develops with the disseminators and with the contract monitors as to whether or not certain information may be released to contractors. Further, the services report that the contract monitors have, from time to time, difficulty in identifying certain documents as fitting in any of the given categories.

5. In discussing the marking "NOFORN", it was found that the use of this term by the services is at variance with the intent of the existing DCID 11/2 and the Air Force recommended that this marking be deleted from the draft. It was pointed out that the Presidential policy on disclosures of intelligence to foreign governments clearly sets forth requirements to be utilized in any release to foreign governments. No recipient of an intelligence document has the authority to release to a foreign government except with the specific permission of the originator and accordingly, the marking of a document "NOFORN" is considered unnecessary. An originator, however, may determine in advance that the document or information is releasable to one or more foreign governments and the originator can so notify all recipients by an appropriate marking. Even though the document carries the consent of the originator for release to certain specified foreign governments, the recipient Agency must make a separate determination of net advantage before the document is finally released.

6. Please review the attached drafts with a view to discussing such at a meeting to be called shortly.

Deputy Director of Security

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Attachments